



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

CHANGES TO FEDERAL CIVIL RULES
EFFECTING TIME COMPUTATIONS
EFFECTIVE DECEMBER 1, 2009

RULE	EXISTING TIME COMPUTATION	MODIFICATION
Rule 6(b) Commencing an Action	Reference to provisions for extending the times set by enumerated provisions in Rules 50, 52, and 59, and 60, and 59(c)'s reference to a 20 day extension	References to 20 days extension are eliminated
Rule 6(c)(1) Motions, Notices, of Hearings, and Affidavits	Five day time period for party to serve a written motion and notice of hearing before the scheduled hearing date.	Changed to 14 days
Rule 6(c)(2) Motions, Notices of Hearings, and Affidavits	The time for party to serve any supporting affidavit opposing a motion: 1 day before a hearing	Changed to 7 days
6(d) Additional Time After Electronic Service	When a party may or must act within a specified time after service and service is made under Rule 5(b)(2)(C), (D), (E) or (F), 3 days are added after the period would otherwise expire under Rule 6(a)	
Rule 12 Defenses and Objections: When and How Presented: Motion for Judgment on Pleadings; Consolidating Motions; Waiver Defenses; Pretrial Hearing (Time to File Responsive Pleadings)	10 day period time periods to respond 20 day time periods for amending pleadings	Changed to 14 days Changed to 21 days
Rule 14(a) Third-Party Practice When a Defending Party May Bring in a Third Party	leave is required if third-party complaint filed 10 days after third-party plaintiff files original answer	Changed to 14 days
Rule 15 Amended and Supplemental Pleadings Prior to Trial	response to amended pleading due within 10 days after service of amended pleading party may amend pleading without leave within 20 days after serving pleading if a responsive pleading not allowed or case not set on court calendar	Changed to 14 days Changed to 21 days

Rule 23(f) Parties/appeals	A court of appeals may permit an appeal from an order granting or denying class-action certification if permission to appeal is filed with the circuit court 10 days after order filed	Changed to 14 days
Rule 27(a) Depositions to Perpetuate Testimony Notice and Service	At least 20 days before hearing date petitioner must serve each expected adverse party with copy of petition and notice stating time and place of hearing	Changed to 21 days
Rule 32(a) Using Depositions in Court Proceedings	Deposition taken on short notice having received less than 11 days notice of deposition, and moved for protective order, motion still pending when deposition taken	Changed to less than 14 days
Rule 32(d)(3)(C)	Objection to written question objection to form of written question waived if not served in writing on party submitting question within 5 days of being served with question	Changed to 7 days
Rule 38((b)(1) Right to Jury Trial; Demand	Jury trial demand due to be served on other parties no later than 10 days after last pleading directed to the issue is served	Changed to 14 days
Rule 50(b) Renewing Motion After Trial; Alternative Motion for New Trial	No later than 10 days after entry of judgment or jury discharged movant may file renewed motion for judgment as a matter of law/new trial under Rule 59	Changed to 28 days
Rule 50(d)	Time for Losing Party's New-Trial Motion no later than 10 days after the entry of judgment	Changed to 28 days
Rule 52(b) Findings and Conclusions by the Court; judgment and Partial Findings	On party's motion filed no later than 10 days after entry of judgment, the court may amend its findings or make additional findings and may amend the judgment accordingly.	Changed to 28 days
Rule 53(f)(2) Action on the Master's Order, Report, or Recommendations	A party may file objections to -or a motion to adopt or modify- the master's order, report or recommendation no later than 20 days after copy is served, unless the court sets a different time	Changed to 21 days

<p>Rule 54(d)(1) Judgment Costs Other Than Attorney's Fees</p>	<p>Clerk may tax costs on 1 day's notice. Parties have 5 days to file a motion to review the clerk's action</p>	<p>Changed to 14 days Changed to 7 days to reflect the change in Rule 6(a) method for computing periods of less than 11 days</p>
<p>Rule 54(d)(2)(B)(I) Judgment Costs; Attorney's Fees</p>	<p>Motion for Attorney's fees must be filed no later than 14 days after entry of judgment</p>	<p>Remains at 14 days</p>
<p>Rule 55 Default; Default Judgment</p>	<p>If party against whom a default judgment has been sought has appeared personally or by representative, they must be served with a written notice of the application at least 3 days before the hearing.</p>	<p>Changed to 7 days</p>
<p>Rule 56(a) & (c)</p>	<p>Timing provisions set in the former Rule</p>	<p>Changed to new provisions that recognize authority to set deadlines for summary judgment motions by local rule or by court order and, in default of a local rule or court order, that allow a summary judgment motion to be made at any time until 30 days after the close of all discovery. The new provisions also establish default times for response and reply. If motion for summary judgment is filed before a responsive pleading is due from party affected by the motion, the time for responding to the motion is 21 days after the responsive pleading is due.</p> <p>Scheduling orders are likely to supersede the rule provisions in most cases</p> <p>Local rules may prove useful when local docket conditions or practices are incompatible with the general Rule 56 timing provisions</p>
<p>Rule 59(b) (d) & (e) Motions for New Trial; Altering or Amending a Judgment</p>	<p>Motion for a New Trial, New Trial on Court's Initiative or for Reasons Not in the Motion, Motion to Alter or Amend a Judgment must be filed no later than 10 days after the entry of judgment</p>	<p>Changed to 28 days</p>
<p>Rule 59(c) Motion for New Trial based on Affidavits</p>	<p>10 day time period to serve opposing affidavits</p>	<p>Changed to 14 days</p>

Rule 62(a) Stay of Proceedings to Enforce a Judgment Automatic Stay; Exceptions for Injunctions, Receiverships, and Patent Accountings	Except as states in this rule, no execution may issue on a judgment, nor may proceedings be taken to enforce it, until 10 days have passed after its entry	Changed to 14 days
Rule 65(b)(2) Injunctions and Restraining Orders - Contents; Expiration	The order expires at the time after entry - not to exceed 10 days - that the court sets, unless before that time the court, for good cause, extends it for a period or the adverse party consents to a longer extension.	Changed to 14 days
Rule 68(a) Offer of Judgment	More than 10 days before trial begins a party defending against a claim may serve on an opposing party an offer to allow judgment on specified terms with costs accrued. If within 10 days after being served, the opposing party serves written noticing accepting offer, either party may file the offer and notice of acceptance, plus proof of service.	Changed to 14 days
Rule 68(c) Offer of Judgment After Liability is determined	When one party's liability to another has been determined ... the party held liable may make an offer of judgment...served...at least 10 days before a hearing to determine the extent of liability.	Changed to 14 days
Rule 71.1(d)(2)(A)(v) Condemning Real or Personal Property Process	defendant may serve an answer on the plaintiff's attorney within 20 days after being served with notice	Changed to 21 days
Rule 71.1(e)(2) Appearance of Answer	defendant that has an objection or defense to the taking must serve an answer within 21 days after being served with the notice	

<p>Rule 72(a) Magistrate Judges: Pretrial Order Nondispositive Matters</p>	<p>in cases referred to a magistrate judge ... the magistrate judge must ... conduct the required proceedings ... and issue a written order stating the decision. A party may serve and file objections within 10 days after being served with a copy</p>	<p>Changed to 14 days</p>
<p>Rule 72(b)(2) Magistrate Judges: Dispositive Motions and Prisoner Petitions</p>	<p>Within 10 days after being served with a copy of the recommended disposition a party may file written objections... a party may respond to another party's objections within ten days after being served with a copy</p>	<p>Changed to 14 days</p>
<p>Rule 81(c)(2)(A), (B) & (C) Applicability of Rules in General; Removed Actions</p>	<p>A defendant who did not answer before removal must answer or present other defenses or objections under these rules within the longest of periods:</p> <p>(A) 20 days after receiving ... a copy of the initial pleading ...</p> <p>(B) 20 days after being served with the summons for an initial pleading on file at the time of service; or</p> <p>(C) 5 days after the notice of removal is filed</p>	<p>Changed to 21 days</p> <p>Changed to 21 days</p> <p>Changed to 7 days</p>
<p>Rule 81(c)(3)(B) Demand for Jury Trial</p>	<p>Under Rule 38 if all necessary parties have been served at the time of removal, pa party entitled to a jury trial... must be given one if the party serves a demand within 10 days after:</p> <p>(I) it files a notice of removal; or</p> <p>(ii) it is served with a notice of removal filed by another party</p>	<p>Changed to 14 days</p>
<p>Supplemental Rule B(3)(a) Answer by Garnishee Admiralty or Maritime Claims and Asset Forfeiture Actions</p>	<p>The Garnishee shall serve an answer, together with answers to any interrogatories served with the complaint, within 20 days after the service of process upon the garnishee</p>	<p>Changed to 21 days</p>

<p>Supplemental Rule C(4) Admiralty or Maritime Claims and Asset Forfeiture Actions Notice</p>	<p>No notice other than execution of process is required when property that is the subject of the action has been released under Rule E(5). If the property is not released within 10 days after execution, the plaintiff must promptly ...give the public notice of the action ...</p>	<p>Changed to 14 days</p>
<p>Supplemental Rule C(6)(a)(i)(A) Admiralty or Maritime Claims and Asset Forfeiture Actions Responsive Pleading; Interrogatories Statement of Interest; Answer</p>	<p>In an action in Rem: (I) person who asserts a right of possession or ownership ... must file a verified statement of right or interest within 10 days after the execution process ...</p>	<p>Changed to 14 days</p>
<p>Supplemental Rule C(6)(a)(i)(B)(iv) Admiralty or Maritime Claims and Asset Forfeiture Actions Responsive Pleading; Interrogatories Statement of Interest; Answer</p>	<p>a person who asserts a right of possession or any ownership interest must serve an answer within 20 days after filing the statement of interest or right</p>	<p>Changed to 21 days</p>

Supplemental Rule G(4)(b)(ii)(C) Notice or Admiralty Claims and Asset Forfeiture Actions Content of Notice by Publication	The notice must contain the information that an answer or motion under Rule 12 must be filed not later than 20 days after filing the claim	Changed to 21 days
Supplemental Rule G(5)(b) Notice or Admiralty Claims and Asset Forfeiture Actions Responsive Pleadings Answer	A claimant must serve and file an answer to the complaint or motion under Rule 12	Changed to 21 days
Supplemental Rule G(6)(a)(b)(c) Notice or Admiralty Claims and Asset Forfeiture Actions Special Interrogatories	<p>The government may serve special interrogatories limited to the claimant's identity and relationship to the defendant property without leave of court at any time after the claim is filed and before discovery is closed. But if the claimant serves a motion to dismiss the action, the government must serve the interrogatories within 20 days after the motion is served.</p> <p>Answers or objection to interrogatories must be served within 20 days after the interrogatories are served</p> <p>The government need not respond to the claimant's motion to dismiss the action under Rule G(8)(b) until 20 days after the claimant has answered these interrogatories</p>	<p>Changed to 21 days</p> <p>Changed to 21 days</p> <p>Changed to 21 days</p>